

# ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB No 0930-0222

North Dakota

FFY 2007



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Substance Abuse and Mental Health Services Administration  
Center for Substance Abuse Prevention  
[www.samhsa.gov](http://www.samhsa.gov)

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## INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 08/31/2007. Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, Room 7-1044, Rockville, Maryland 20857

### How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2006 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2007 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) is to assist States<sup>1</sup> by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to SAMHSA/CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

### How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

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<sup>1</sup>The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

## **Getting assistance in completing the Synar report**

If you have questions about programmatic issues, you may call CSAP's Division of State and Community Assistance at 240-276-2570 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at 240-276-1404.

## **Where and when to submit the Annual Synar Report**

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2006. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer  
Office of Program Services, Division of Grants Management  
Substance Abuse and Mental Health Services Administration

### **Regular Mail:**

1 Choke Cherry Road, Room 7-1091  
Rockville, Maryland 20857

### **Overnight Mail:**

1 Choke Cherry Road, Room 7-1091  
Rockville, Maryland 20850

**FFY 2007: FUNDING AGREEMENTS/CERTIFICATIONS**

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

<b>PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT</b>
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.
<b>SYNAR SURVEY SAMPLING METHODOLOGY</b>
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is up-to-date and approved by the Center for Substance Abuse Prevention.
<b>SYNAR SURVEY INSPECTION PROTOCOL</b>
The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is up-to-date and approved by the Center for Substance Abuse Prevention.
<b>State:</b> North Dakota
<b>Name of Chief Executive Officer or Designee:</b> Carol K. Olson
<b>Signature of CEO or Designee:</b>
<b>Title:</b> <u>Executive Director, ND Dept of Human Services</u> <b>Date Signed:</b> _____
<b>If signed by a designee, a copy of the designation must be attached</b>

## **Governor's Letter Authorizing Designation**

**SECTION I: FFY 2006 (Compliance Progress)****YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

*42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.*

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

*If Yes, current minimum age:* ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

*If Yes, indicate change (check all that apply):*

☐ Changed to require that law enforcement conduct inspections of tobacco outlets

☐ Changed to make it illegal for youth to possess, purchase or receive tobacco

☐ Changed to require ID to purchase tobacco

☐ Other change(s) (please describe): \_\_\_\_\_

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

*If Yes, indicate change (check all that apply):*

☐ Total ban enacted

☐ Banned from location(s) accessible to youth

☐ Locking device or supervision required

☐ Other change(s) (please describe): \_\_\_\_\_

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State. (Check all that apply)**

☒ Placed on file for public review

☐ Posted on a State agency Web site (Specify Web site location: \_\_\_\_\_)

☒ Notice published in a newspaper or newsletter

☐ Public hearing

☒ Announced in a news release, a press conference, or discussed in a media interview

- ☐ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☐ Other change(s) (*please describe*): \_\_\_\_\_

**3. Identify the following agency or agencies.** (*See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130*)

**a. The State agency(s) designated by the Governor for oversight of the Synar requirements:**

ND Dept. of Human Services Division of Mental Health and Substance Abuse

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

**b. The State agency(s) responsible for conducting random, unannounced Synar inspections:**

ND Dept. of Human Services Division of Mental Health and Substance Abuse

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

**c. The State agency(s) responsible for enforcing youth tobacco access law(s):**

ND Office of the Attorney General (on a statewide basis), but enforcement generally takes place at the local level (see question 5a)

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

**4. Identify the State agency(s) responsible for tobacco prevention control activities.**

ND Department of Health

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

**a. Describe the coordination and collaboration that occur between the agency responsible for tobacco control and the agency responsible for oversight of the Synar requirements. The two agencies (*check all that apply*):**

☐ Are the same

☐ Have a formal written memorandum of agreement

☒ Have an informal partnership

☒ Conduct joint planning activities

☐ Combine resources

☐ Have other collaborative arrangement(s) (*please describe*): \_\_\_\_\_



5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2005. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)

- ☒ Enforcement is conducted exclusively by local law enforcement agencies.  
☐ Enforcement is conducted exclusively by State agency(s).  
☐ Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by **LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES**. Please fill in the number requested or indicate if these data are unavailable or the item is not applicable.

PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	If Available	
				OWNERS	CLERKS
Number of <u>citations issued</u>			20		
Number of <u>fin es assessed</u>		<input type="checkbox"/>	13		
Number of <u>permits/licenses suspended</u>	<input type="checkbox"/>	<input type="checkbox"/>	7		
Number of <u>permits/licenses revoked</u>	<input type="checkbox"/>	<input type="checkbox"/>	1		
Other (please describe): 29 no penalty; 18 warnings; 13 pending; 37 no further information			97		

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)

- ☒ Merchant education and/or training  
☐ Incentives for merchants who are in compliance (e.g., Reward and Reminder)  
☐ Community education regarding youth access laws  
☒ Media use to publicize compliance inspection results  
☒ Community mobilization to increase support for retailer compliance with youth access laws  
☐ Other activities (please list): \_\_\_\_\_

*Briefly describe all checked activities:* Most activities in North Dakota are planned through collaborations at the local level, therefore communities plan different activities based on their level of readiness to address. Some communities have been successful in passing local ordinances to require merchant education training for all locally licensed retailers. Others require merchant education for any outlets failing local compliance checks. Many communities use the media

to publicize their compliance inspection results. Fargo has developed the best model, taking out a full-page newspaper ad each quarter and publishing all businesses inspected by who passed and who failed. Bismarck and Minot regularly do press releases as inspections are done.

### SYNAR SURVEY METHODS AND RESULTS

*The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2005. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)*

**6. Has the sampling methodology changed from the previous year?**

**X Yes    No**

*The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.*

**7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets. (See 45 C.F.R. 96.130(d)(2))**

**a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?**

**X Yes    ☐ No**

*If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8.*

*If No, continue to Question 7b.*

**b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.**

**Unweighted RVR** \_\_\_\_\_

**Weighted RVR** \_\_\_\_\_

**Standard error (s.e.) of the (weighted) RVR** \_\_\_\_\_

**Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.**

$$\frac{\text{RVR Estimate}}{\text{Plus}} + \frac{(1.645 \times \text{Standard Error})}{\text{times}} = \text{Right Limit}$$

c. **Fill out Form 1 in Appendix A (Forms).** (*Required regardless of the sample design*)

d. **How were the (weighted) RVR estimate and its standard error obtained?**  
(*Check the one that applies*)

- ☐ Form 2 (Optional) in Appendix A (Forms) (*Attach completed Form 2*)
- ☐ Other (*Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.*)

e. **If stratification was used, did any strata in the sample contain only one outlet or cluster this year?**

☐ Yes ☐ No ☐ No stratification

*If Yes, explain how this situation was dealt with in variance estimation.*

f. **Was a cluster sample design used?**

☐ Yes ☐ No

*If No, go to Question 7g.*

*If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:*

**Were any certainty primary sampling units selected this year?**

☐ Yes ☐ No

*If Yes, explain how the certainty clusters were dealt with in variance estimation.*

**g. Report the following outlet sample sizes for the Synar survey.**

	Sample Size
<b>Effective sample size</b> (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
<b>Target sample size</b> (the product of the effective sample size and the design effect)	
<b>Original sample size</b> (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
<b>Eligible sample size</b> (number of outlets found to be eligible in the sample)	
<b>Final sample size</b> (number of eligible outlets in the sample for which an inspection was completed)	

**h. Fill out Form 4 in Appendix A (Forms).****8. Did the State's Synar survey use a list frame?**X Yes ☐ No*If Yes, answer the following questions about its coverage:***a. The calendar year of the latest frame coverage study: SFY 2003****b. Percent coverage from the latest frame coverage study: 100%****c. Was a new study conducted in this reporting period?** ☐ Yes **X** No*If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.***d. The calendar year of the next coverage study planned: SFY 2008** to comply with Guidelines for a Synar Sampling Frame Coverage Study forwarded to the Division of Mental Health and Substance Abuse by Beverly Watts Davis, Director, Center for Substance Abuse Prevention.**9. Has the Synar survey inspection protocol changed from the previous year?**☐ Yes **X** No*The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.***a. Provide the inspection period: From: 08/01/2006 To: 09/30/2006**  
MM/DD/YY MM/DD/YY**b. Provide the number of youth inspectors used in the current inspection year:**3

**SECTION II: FFY 2007 (Intended Use):**

*Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.*

**1. In the upcoming year, does the State anticipate any changes in the:**

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

*If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.*

**2. Please describe the State's plans to maintain and/or reduce the retailer violation rate for Synar inspections to be completed in FFY 2008. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.**

The last legislative session (January 1, 2005 – April 15, 2005) resulted in two Senate bills regarding tobacco use, Senate Bill 2300 and Senate Bill 2372. Neither are specific to youth, but are inclusive of youth. Senate Bill 230 was an act to create and enact a new section to the North Dakota Century Code regarding restrictions on smoking in public places and places of employment. Senate Bill 2372 provides for a study by the legislative council relating to efforts to discourage alcohol and drug abuse and tobacco use. During the 2005-2006 interim, the council will study the feasibility and desirability of establishing an organization or ombudsman to support and coordinate federal, tribal, state, including institutions of higher education, and local government and private efforts to discourage destructive behavior, including ... and tobacco use. The legislature will report its findings and recommendation, together with any proposed legislation required to implement the recommendations, to the sixtieth legislative assembly (January 1, 2007 to April 15, 2007).

The Division of Mental Health and Substance Abuse Services has operated for several biennium's on a hold even budget. Therefore, there have been no additional resources allocated to enforce tobacco access laws.

The Division will continue enforcement efforts in the same manner as in question five of Section I of this report. Additionally, the ND Department of Health will continue efforts, such as media campaigns on secondhand smoke, clean indoor air and smoke-free restaurants. As indicated, merchant education, community education, media use and community mobilization will continue as outlined in question five. The North Dakota Department of Human Services jointly with the North Dakota Department of Health will issue a press release announcing the results of the most recent Synar survey.

Many community coalitions remain active in promoting stricter ordinances and will continue conduction compliance checks that are tied to enforcement. These efforts have raised and will continue to raise awareness of youth access to tobacco.

**3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)**

- ☒ Limited resources for law enforcement of youth access laws
- ☒ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☐ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☐ Difficulties recruiting youth inspectors
- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☒ Issues regarding sources of tobacco under tribal jurisdiction
- ☐ Other challenges (*please list*): \_\_\_\_\_
- ☐ No challenges (*please explain*): \_\_\_\_\_

*Briefly describe all items checked above:*

Generally, in North Dakota, there is very good support for tobacco issues. However, enforcement is at times more difficult. For example, there are communities who have been able to pass local ordinances relating to local licensing and penalties, but these communities have been unable to gain the support and cooperation of their local law enforcement in conducting compliance checks. At a state level, there has been more attention given to enforcement issues relating to methamphetamine use, leaving limited resources for tobacco.

Tribes are sovereign Nations, therefore, we are unable to conduct compliance checks on the reservations without permission from tribal authorities. The Department of Health has been attempting to involve the tribes in tobacco prevention and control issues and has been successful in hiring coordinators on some of our reservations. One tribe has been successful in passing a tribal resolution and has begun to conduct compliance checks on the tribe. However, the other three reservations are far from reaching this level.

North Dakota has 36 of 53 counties that are 'frontier,' with fewer than 6 persons per square mile. Distances, size of communities, and population dynamics affect many aspects of the issues related to decreasing use of tobacco by youth. Communities are loosing young adults to outmigration. The youth/aging ratio increases as older persons

remain in their communities and as other older persons return to their roots in North Dakota to live out their retirement. Forty-eight counties have experienced net declines in population over the last two decades. Having an increasing aging population affects distribution of resources as aging adults require more and more, leaving fewer resources for youth.

## **APPENDIX A: FORMS**

Submitted in separate Excel file



**APPENDIX B****STATE:** North Dakota**FFY:** 2007**SYNAR SURVEY SAMPLING METHODOLOGY****1. What type of sampling frame is used?**

- ☒ List frame *(Go to Question 2)*
- ☐ Area frame *(Go to Question 3)*
- ☐ List-assisted area frame *(Go to Question 2)*

**2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4)**

*Use the corresponding number to indicate Type of Source in the table below:*

- 1 – Statewide commercial business list      4 – Statewide retail license/permit list  
 2 – Local commercial business list      5 – Statewide liquor license/permit list  
 3 – Statewide tobacco license/permit list      6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
North Dakota Office of Attorney General's list of Retail Tobacco Product Licenses	3	State requires licensing of all tobacco retailers, with yearly renewal. Chains are required to have separate licenses for each physical location. Bars and liquor stores were deleted from frame because of state's legal restriction for minors entering adult only establishments for conducting research. Also deleted from frame were private membership clubs, outlets on Indian reservations and military bases.	List is updated continually as new businesses apply, and renewal of licensing takes place on July 1 of each year. Phone calls were made to each vendor listed to verify information and delete businesses that could not be surveyed. Duplicates were eliminated.
Local license lists	6	Several large communities have local license lists	The state list was compared to local licensing lists for completeness.
Information obtained by local tobacco coordinators	6	Local tobacco coordinators survey businesses during local inspections to find any tobacco selling businesses missed in the license list.	The State compares this local information with the State list.

**3. If an area frame is used, describe how area sampling units are defined and formed.**

a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

*If Yes, what percentage of the State's population is not covered by the area frame?*

\_\_\_\_\_ %

**4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?**

☒ Yes ☐ No

*If No, please indicate the reason they are not included in the Synar survey.*

☐ State law bans vending machines

☐ State law bans vending machines from locations accessible to youth

☐ State has SAMHSA approval to exempt vending machines from the survey

☐ **Other** (please describe):

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**5. Which category below best describes the sample design? (Check only one)**

☐ **Census** (STOP HERE: Appendix B is complete)

**Unstratified State-wide sample:**

☐ Simple random sample (go to Question 9)

☐ Systematic random sample (go to Question 6)

☐ Single-stage cluster sample (go to Question 8)

☐ Multi-stage cluster sample (go to Question 8)

**Stratified sample:**

☒ Simple random sample (go to Question 7)

☐ Systematic random sample (go to Question 6)

☐ Single-stage cluster sample (go to Question 7)

☐ Multi-stage cluster sample (go to Question 7)

☐ **Other** (please describe):

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☐ **Other** (please describe and go to Question 9):

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**6. Describe the systematic sampling methods.** (After completing Question 6, go to Question 7 if stratification is used. Otherwise, go to 9)

The total number of tobacco retailers accessible to youth in each stratum was used to calculate the sample for each stratum. The sample size per stratum is calculated by determining the ratio of youth to adults in each stratum and multiplying the percent times the total number of tobacco retailers and adding each stratum number to the number calculated by determining the ratio of youth in a stratum to all youth.

**7. Provide the following information about stratification**

**a. Provide a full description of the strata that are created.**

The proposed plan has 17 strata. Random sampling will be done within each stratum.

Twenty-seven percent of tobacco retailers accessible to youth are located on the east border counties. Seven percent of tobacco retailers accessible to youth are located on the west border counties. Over 60 percent of tobacco retailers are located in the eleven cities, each represented below in separate strata.

		Sample	# outlets in stratum accessible by youth
1	Cass	47	114
2	Grand Forks/Traill/Pembina	30	90
3	Burleigh	14	44
4	Benson/Towner/Cavalier/Pierce/Eddy/Nelson/Rolette	13	49
5	Dickey/Sargent/Logan/McIntosh/LaMoure	13	51
6	Ward	18	53
7	Grant/Oliver/Sheridan/Emmons/McLean	8	43
8	Barnes/Stutsman	10	43
9	Morton/Mercer	13	44
10	Griggs/Kidder/Wells/Steele/Foster	9	41
11	Burke/Divide/Montrail/McKenzie	8	28
12	Billings/Dunn/Golden Valley/Slope/Bowman/Adams/Hettinger	9	42
13	Ramsey/Walsh	9	41
14	Richland/Ransom	7	34
15	Bottineau/Renville/McHenry	7	38
16	Stark	8	36
17	Williams	7	30
TOTAL		231	821

There are a total of 4 vending machines licensed within these strata (1 in #1, 2 in #4, and 1 in #6). All four will be surveyed.

**b. Is clustering used within the stratified sample?**☐ **Yes** (go to Question 8)☒ **No** (go to Question 9)**8. Provide the following information about clustering**

**a. Provide a full description of how clusters are formed.** (If multi-stage clusters are used, give definitions of clusters at each stage.)

**b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.**

**9. Provide the formulae for determining the effective, target, and original outlet sample sizes.**

Effective sample size for OTC (source: Scheaffer, Mendenhall, and Ott (1983). Elementary Survey Sampling. Duxbury Press):

$$n_e = \frac{N_{OTC}\sigma^2}{(N_{OTC} - 1)\frac{B^2}{4} + \sigma^2},$$

where  $N_{OTC}$  is the number of vendors in the population;

$p$  is the weighted noncompliance rate;

$\sigma^2 = p(1-p)$  is the variance of the estimate;

$B = 0.03$ : bound on the error of estimation for two-sided 95% confidence interval.

The target sample size is effective sample size times the design effect from previous year.

The original sample size for OTC is determined by:

$$n_o = n_e(1 + r),$$

where  $r$  is the outlet ineligibility rate.

For OTC, the stratum sample size is determined by taking the average of the proportionally allocated stratum sample size according to the size of the county youth population under the

age of 18 and the proportionally allocated stratum sample size based on the number of tobacco retailers in the county.

Vending machines are selected with certainty, and therefore, the overall original sample size ( $n$ ) is the sum of  $n_o$  and the number ( $N_{vm}$ ) of vending machines in the frame, i.e.,

$$n = n_o + N_{vm}.$$

**APPENDIX C****STATE:** ND**FFY:** 2007**SYNAR SURVEY INSPECTION PROTOCOL***Note: Attach a copy of the inspection form and protocol used to record the inspection result.***1. How does the State Synar survey protocol address the following?****a. Consummated buy attempts?**

- ☒ Required ☐ Not Permitted  
☐ Permitted under specified circumstances ☐ Not specified in protocol

**b. Youth inspectors to carry ID?**

- ☐ Required ☒ Not Permitted  
☐ Permitted under specified circumstances ☐ Not specified in protocol

**c. Adult inspectors to enter the outlet?**

- ☐ Required ☐ Not Permitted  
☒ Permitted under specified circumstances ☐ Not specified in protocol

**d. Youth inspectors to be compensated?**

- ☒ Required ☐ Not Permitted  
☐ Permitted under specified circumstances ☐ Not specified in protocol

**2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)**

- ☐ Law enforcement agency(s)  
☒ State or local government agency(s) other than law enforcement  
☐ Private contractor(s)  
☐ Other

List the agency name(s): The North Dakota Department of Human Services, Division of Mental Health and Substance Abuse Services

**3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?**

- ☐ Always ☐ Usually ☐ Sometimes ☐ Rarely ☒ Never

- 4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.** There were no changes in the methods used to recruit and select youth inspectors and adult supervisors. DMHSAS used two adult supervisors that have been used in previous years. One supervised surveys on the western half of the state and the other supervised the eastern half. Adult supervisors recruited youth inspectors from their regions. The three youth were age 16.

North Dakota does use a consummated purchase protocol. Youth are told that they are not to bring their identification with them into an outlet and to be honest in answering all questions. If asked if they have an ID, they were to say no. If asked their age, they were to give their actual age. Youth are given cash to carry into the outlet. They randomly select whether they will attempt to purchase cigarettes alone or whether they may buy a food item in addition to the cigarettes.

Youth inspectors do enter an outlet alone. They are accompanied to each outlet by an adult supervisor who waits in the car. The adult supervisor does carry paperwork with from the Office of the Attorney General verifying that they are conducting official business if the youth would be detained for any reason. The adult supervisors sometimes do enter the facility prior to the youth inspector going in to check for safety of the location as well as monitor other factors such as placement of “no sale” signs. Law enforcement officers do not accompany the youth during the inspections, therefore, there are no citations issued immediately for violators.

- 5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors’ immunity when conducting inspections?**

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☐ Yes ☒ No (If Yes, please describe):

- 6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?**

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☒ Yes ☐ No (If Yes, please describe): . The adult supervisors sometimes do enter the facility prior to the youth inspector going in to check for safety of the location as well as monitor other factors such as placement of “no sale” signs.

- 7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?**

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☐ Yes ☒ No (If Yes, please describe):